



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13642 of 2016

KANI

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT.
CR. NO.140 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.J.PAREKHKUMAR, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL.SIDE)

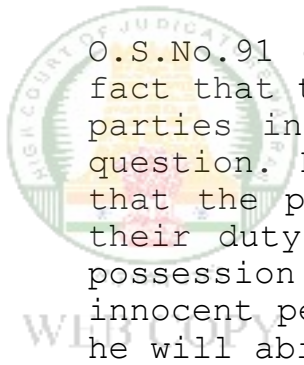
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 341 and 353 IPC, in Crime No.140 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 27.07.2016, when the defacto complainant/Bailiff with other officials went to execute a decree, the petitioner and others prevented the defacto complainant and other officials from discharging their duty. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel for the petitioner submitted that the property in question was originally assigned to the father of the petitioner, after the death of his father, he is in possession and enjoyment of the same. While so, one Terranz, who is the power agent of one Kavitha Thadayini, without having a title to the property filed a suit against one Muruganatha Velaar in



O.S.No.91 of 1987 and got a decree in her favour, suppressing the fact that the petitioner is in possession of the said property. Both parties in the suit are no way connected to the suit property in question. Further, the learned counsel for the petitioner submitted that the petitioner did not prevent the officials from discharging their duty and he has shown all the documents, with regard to his possession of the property in question. The petitioner is an innocent person and he has not committed any offence as alleged and he will abide by any condition imposed by this Court.

4.Heard the learned Government Advocate (Criminal side).

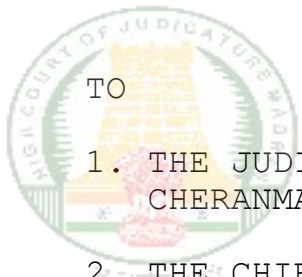
5.Considering the facts and circumstances of the case and also considering the allegations made against the petitioner and contentions raised by the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
03/08/2016

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
CHERANMAHADEVI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.J.PAREKHKUMAR Advocate SR.No. 41757

ORDER
IN
CRL OP(MD) No.13642 of 2016
Date :03/08/2016

PJL
TE/NGM-MP/SAR-I : 10/08/2016 : 3P/6C